

MEMORANDUM ENDORSED

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May 15, 2020

SENT VIA ECF & EMAIL ONLY

The Honorable Judge Gregory H. Woods

Re: USA v. Kromah 19-CR-00338
Request for additional time in filing pretrial motions.

Your Honorable Judge Woods,

Our office represents Mr. Moazu Kromah in the above captioned matter. This is our third application for an extension on pretrial motions. The Court previously granted an extension to file motions to May 21st, 2020 with Government replies by June 4th and a final pretrial conference on July 10th, 2020. The Court granted the extension to allow our office to communicate with Mr. Kromah as to the proposed plea offer.

As the Court is aware Mr. Kromah is being held at MCC and since in or around January 2020 has been on lockdown due to security issues at first and then the Covid19 pandemic. Our office has not been able to visit Mr. Kromah in person due to this. AUSA Jarrod Schaeffer and I have been in negotiations in terms of a plea agreement which I have sent to Mr. Kromah along with a letter outlining what this plea means, what the recommendation means and what type of sentences he could receive from the Court. His family members have been able to interpret parts of the plea agreement Mr. Kromah was unable to understand. I have had multiple attorney calls with Mr. Kromah where I have been able to explain what the plea offer means and the risks of rejecting this offer and going to trial. After an attorney phone call with Mr. Kromah last week, I have been advised by his family that they, on Mr. Kromah's instructions intend to hire a new attorney on the case and have not given me an answer as to his position on the plea offer.

AUSA Jarrod Schaeffer and I have been in good faith negotiations throughout this case. It was our belief that we would be able to reach a resolution on this matter, however it seems things have changed. AUSA Schaeffer provided our office with the Plea Agreement in March and had it not been for the Covid19 lockdown we would have been able sit with Mr. Kromah and explain to him the plea offer and answer any and all questions he may have in going forward. Due to the lockdown is has been extremely difficult to communicate with him.

We are asking for one final adjournment of the pretrial motions in order to allow new counsel to file a notice of appearance on the matter, and not be surprised by the motion deadline for next week. We respectfully request that Defense Counsel be allowed to file pretrial motions

by June 19th, 2020, with Government opposition by July 3rd, 2020 and a final pretrial conference at the courts discretion. Our office has spoken with AUSA Jarrod Schaeffer and AUSA Sagar Ravi who do not object to the extension.

Our office is agreeable to waive speedy trial time in the interests of justice so that a decision can be made by Mr. Kromah as to the plea agreement, and also will allow new counsel to prepare the motions he/she believes are adequate in defending this case.

Should the Court require any further information please do not hesitate to contact me via email or on 212-500-3273.

/s/ Conor McNamara
Conor McNamara, Esq.
Attorney for Moazu Kromah

Cc: AUSA Jarrod Schaeffer (via ECF)
AUSA Sagar Ravi (via ECF)

Application granted in part. The Court advised the parties in its prior order that they should not expect further extensions of time. See Dkt. No. 32. Nonetheless, the deadline for Mr. Kromah's pre-trial motions is extended to June 5, 2020. The Government's opposition is due no later than June 19, 2020; defendant's reply, if any, is due no later than June 25, 2020. The hearing date remains scheduled for July 10, 2020. The Court reminds the parties that they have not requested, and the Court has not granted, an extension of the deadline for the submission of other pre-trial materials. See Dkt. Nos. 27, 32. Further extensions of the deadlines will not preserve the possibility of proceeding on the scheduled trial date. In light of the recent extradition of Mr. Kromah's co-defendant, the constraints imposed by COVID-19, and the prospect of the introduction of new counsel to represent Mr. Kromah, the Court encourages counsel for the United States and for both defendants to confer regarding the currently scheduled trial date and to make any applications to the Court with respect to it and the associated deadlines that they believe to be appropriate.

SO ORDERED
May 16, 2020



GREGORY H. WOODS
United States District Judge